

ENTERED

December 28, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

V.

SAMUEL DRAPER

CRIMINAL ACTION NO. H-23-358-5

ORDER

Samuel Draper asks the court to revoke the detention order placed against him in October 2023 and release him pending trial. Draper was on deferred adjudication in February 2022; a motion to adjudicate was filed in August 2023, due to a state new law violation. That new law violation was dismissed in the state court. Draper nonetheless has a warrant due to the motion to adjudicate the now dismissed charge. He asks the court to revoke the detention order.

The government's response emphasizes Draper's active role in a plan to steal 122 kilograms of cocaine from an abandoned location in Houston. Draper was pursued as he fled a robbed ATM machine and eventually located. An attempt to detain him resulted in his reaching for the officer's duty weapon.

The magistrate judge found that Draper was a danger to the community, facing a sentence of more than 10 years. The factors that could have reduced the risk of harm were absent or pointed in the other direction. The judgment found no conditions of confinement that would sufficiently protect the community and others from danger. The defendant argues that the dismissal of the

prior state charge means he is no longer a risk of flight. But the magistrate judge detained the defendant because he was a danger to others and the community.

Draper has not rebutted the presumption or shown that he is not a danger to the community. The request for a revocation of the detention order is denied.

SIGNED on December 27, 2024, at Houston, Texas.



Lee H. Rosenthal
United States District Judge